

# UNITED STATES DISTRICT COURT

for the

District of

Montana  
Billings Division

NOV 08 2023

Clerk, U.S. Courts  
District of Montana  
Billings Division

Chad Stone

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Burt Hurwitz et al

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No.

CV 23-95-BLG-SPN-TJC  
(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

## AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Non-Prisoner)

### NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Chad Stone  
1106 W Park Suite 20-157  
Livingston MT 59047  
Park  
406-220-2711  
09 chad.stone@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Jason Hopkin  
Deputy Sheriff Park County  
406 E Callender  
Livingston MT 59047  
Park  
406-222-4106

☐ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Kelly Farns  
ATF Agent  
2929 3rd Ave N #528  
Billings MT 51101  
Yellowstone  
406-657-9700

☐ Individual capacity ☒ Official capacity

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Chad Stone  
 1106 W Park Suite 20-157  
 Livingston MT 59047  
 City State Zip Code  
 Park  
 406-220-2711  
 ogchadstone@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Beast Hurwitz  
 Acting County Attorney  
 414 E Callender  
 Livingston MT 59047  
 City State Zip Code  
 Park  
 406-222-4106

☒ Individual capacity ☒ Official capacity

Defendant No. 2

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Brenda Gilbert  
 6th district court judge  
 414 E Callender  
 Livingston MT 59047  
 City State Zip Code  
 Park

☒ Individual capacity ☒ Official capacity

## Defendant No. 3

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Linda Canton  
 Justice of the Peace  
 414 E Callender  
 Livingston MT 59047  
 City State Zip Code  
 Park  
 406-222-4106

☒ Individual capacity ☒ Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Brett Bidler  
 Sheriff Park County  
 414 E Callender  
 Livingston MT 59047  
 City State Zip Code  
 406-222-4106

☐ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

1st, 2nd, 4th, 14th amendment  
 Deprivation of rights under color of the law

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted “under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia.” 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?
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- B. What date and approximate time did the events giving rise to your claim(s) occur?
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- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

see attached

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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

See attached

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

See attached

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## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

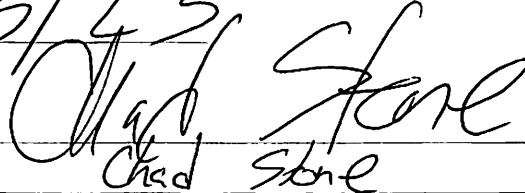
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

10/3/23

Signature of Plaintiff

Printed Name of Plaintiff

  
Chad Stone

### B. For Attorneys

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

My civil rights have been violated by the following players in Park County: 6th District Court Judge Brenda Gilbert, Justice of the Peace Linda Cantin, Sheriff Brad Bichler, Deputy Jason Hopkin, and Acting Park County attorney Burt Hurwitz, the State of Montana is also responsible for this violation of my civil rights, and I am entitled to relief. I admit I am a neophyte when it comes to working with the court on these issues. I am sadly unable to afford an attorney. I feel like if I could afford one this complaint would be more robust and probably more to the liking of the Judge reading it. It makes me sad that these obstacles are built to create more challenges to those like me seeing justice for the injustices they have faced. I admit to dealing with some challenges with PTSD, but none of those are violent. PTSD for me looks like apathy. I struggle to sit down and articulate things into words. If it causes me anxiety I tend to ignore it, bury my head in the sand. This fact cannot go unaddressed in this complaint. Judge Gilbert refuses to follow the law to even make the justice system accessible to me because I am a neophyte. She goes out of her way to complicate matters and be completely unreasonable in her approach. She is truly denying me equal access to the justice system. Judge Gilbert has done everything she can do to shovel injustice down my throat. The reasons I am entitled to relief are as follows... I have been falsely arrested, I have been maliciously prosecuted, My constitutional rights have been denied to me under the color of the law and I have been harassed by the Park County Sheriffs Department. These facts are undeniable.

This complaint has been many years in the making. My first negative interactions with law enforcement, in my life, was in 2015 when I called the Park County Sheriff's department because my wife at the time Lindsey Stone, during our divorce, came to my home and tried to start a chainsaw to cut down a door in my house. Later I called again because after a successful hunting trip Lindsey chased me around Paradise valley with her vehicle, and when I finally got home and was able to lock myself in my home she stood outside hitting and kicking the door. I was denied a restraining order by Judge Gilbert she wouldn't even allow a hearing for one. Instead we got a civil no contact order. This order was violated by Lindsey many times and there was no consequences Judge Gilbert refused to enforce the no contact order. In 2016 I met a lady, Simone Simpson. It became clear to me that we were not intended to be together romantically. She ignored this and days later she sexually assaulted me. Because of the misandry I had already experienced with Judge Gilbert in my divorce from Lindsey I took 3-4 days to report the assault. I felt dirty. Scared. I could not wash off the filth. When I finally reported the incident it was not taken seriously by the Park County Sheriffs Department deputy Tad Dykstra. As this process played out it became an undisputed fact that Simone broke the law by violating Montana Code Annotated 45-8-213. Privacy in communications. This is undisputed because partial communication and out of context communication were presented as evidence in a request for an order of protection Lindsey had filed against me. These were obtained from my phone by Simone Simpson. Simone Simpson obtained Lindseys phone number from my phone and started this entire lie that has led to the injustice, illegal activity, and unconstitutional actions directed at me. Not only did Simone contact Lindsey she contacted every woman in my contacts lists and slandered me to them. To be clear the singular offending text message said "I am going to kill her" in the context of a salmon fishing trip. Typo? Fat fingers on a phone, Made up text? There are 100 explanations to this other than I am a threat to someone especially in the context of a salmon fishing trip. What was relied on here is the bigotry and misandry I have felt and been the victim of under Judge Brenda Gilbert. She hates me because I have successfully dealt with PTSD. She is determined to paint the Scarlet Letter on the chest of veterans who have the courage to do the right thing and face the issues they have as a result of their service to their county. She is so entrenched in this bigotry using her position to deny veterans like me their



constitutional rights is her mission. She has gone as far in my civil divorce cases to ignore her own orders when I have appealed to her to enforce them. She is determined to abuse her position. According to MT law I have a right to ask for a change of judge for any reason. I have filed so many of those motions that have been denied I am probably responsible for the destruction of the rain forest. Nothing in that single text message was about Lindsey or any specific threat. Further there had been no stalking incident, no assault, no crime against her committed, Law enforcement had not responded to any incident where I was the aggressor. This is just a vindictive woman (Simone) who was dissatisfied that I said "No, Stop, Don't" and didn't respect that answer set about to destroy my life with a lie. Finally the order violates the Fruit of the Poisonous Tree doctrine. The alleged "threatening" text message was obtained in an unlawful way so in no way should it have been accepted as evidence. Simone Simpson did not show up to testify, violating my right to confront my accuser, and despite the fact I have no criminal record I was hit with a 3 year order of protection that prevented me from owning a firearm. A guy who has not been convicted of a crime, a guy who is a victim of a crime is hit with an order that denies me my constitutional right to a firearm for three years. If our constitutional rights mean anything this is the behavior of a tyrant bent on denying rights. I have never been violent. Served this county with honor and am denied owning a firearm in a country where I have a God given right to one? The document that is a foundation to our trust in our government is bastardized by Judge Gilbert. What is particularly disgusting about all of these incidents is that I do have service connected PTSD. I have done the therapy and all of the right things. In that learning experience I have been told to let the people who job it is to handle things like this, handle them. As we will see in this story From Judge Gilbert, Judge Cantin, The Park County Sheriff's department, and the Park County Sheriffs Department. They all just threw gas on the fire. They made decisions thru the lens of bigotry, misandry, and the old worn out axiom that only men can be violent. This highlights the importance of cases before the Supreme Court like US VS Rahimi When this order of protection ended, there were no violations of it. Despite this fact the Judge Gilbert without proper service, without a hearing, without notification extended the order of protection forever. This rises to the level of a violation of 18 U.S.C 242 violation of my rights under the color of the law. She forever prevented me from ever owning a firearm. This decision as I will outline later in this narrative lead to an illegal search and seizure of my firearms, and was the impetus for Federal Charges and a malicious prosecution against me and had me spending three weeks in the Yellowstone County Detention facility. These Federal charges were ultimately dropped.

Following the order of protection Lindsey obtained, a couple of my neighbors began a harassment campaign against me insight of the fact that I was using my property to start a legitimate business on my property. They trespassed on my property, physically confronted me on my property and screamed at me. Two things should be noted.. First, It has become known to me that I purchased their dead dads house and they were reluctant sellers, Secondly, at the same time as this harassment was going on these people were giving financial assistance to my ex wife Lindsey Stone. They retained the same attorney as Lindsey and in 2017 applied for an order of protection in Park County Justice court. Linda Canton was the judge. Despite the fact that there was no evidence of me threatening them or being violent a 10 year restraining order was issues against me. All I had done was to ask them to stop bothering me. To stop harassing me. This is just another example of the bigoted discriminatory justice system I have e felt with in Park County. This order of protection has lead to over 50 cases of false reporting of criminal activity to the Sheriffs department by my neighbors. I believe that my neighbors, their attorney, Lindsey Stone, and Judge Canton participated in the crime outlined in 18 U.S.C 241 Conspiracy to deny constitutional rights. During the order of protection hearing they outlined how mw

cutting firewood to head my home was a threat to them. They outlined how I park in my driveway is a threat to them. They stated that they should be able to come on my property any time they want and if I say no that is a threat to them. Never once did I do anything other than tell them to stop harassing me. When they obtain the order of protection their harassment stepped up! If I breathed wrong it was a threat to them. Examples of their accusations of me violating the order of protection are Sledding with my son on our property, My 4 year old son at the time building a snow man that "flipped them off", Weed whacking my property in accordance with Montana Code Annotated's directive that weeds be noxious weeds be removed from property 7-22-2116 Unlawful to permit noxious weeds to propagate, They reported me to the Sheriffs department when I build an ADA accessible ramp and deck to access my home as a disabled person, They represented that me backing a trailer with a mini excavator into my driveway was a threat to them... I could go on... In each case the Park County Sheriffs Department dutifully sent a deputy to my home to investigate. Some might say harass me. This harassment went on for years. It should be noted that not once was I cited, or arrested. I begged the Sheriffs department to stop harassing me. This constant contact with the Sheriffs department rises to the level of Defamation as outlined in 28 US code 4101. This defamation of my character and presenting me as something I am not has had a serious impact on my right to pursue my own happiness. It has impacted my personal and professional relationships. It has painted me as something I am not with some in the community. Both the Declaration of Independence and the US Constitution guarantee me the right to pursue my own happiness and what has been suborned by Judge Gilbert, Judge Canton, Park County Sheriff Brad Blichler as well as his underlings has not only deprived me of my happiness but has has a defamatory impact on my reputation. This went on for two years. In spite of my best efforts and what I have been told were the efforts of Sheriff Brad Bichler to have these people charged with false reporting the acting Park County attorney Burt Hurwitz declines to prosecute. On April 12 2019 Park County Attorney Kendra Lassiter wrote a memo to my neighbors, their attorney, and the Park County Sheriffs department stating that the order of protection was invalid. Not only were the neighbors not eligible for the order of protection but nothing I did rose to the level of having one against me according to the memo. This did not deter the neighbors or the Sheriffs department from their harassment of me and my family. The false reports still came in and the sheriffs department continued their harassment. The neighbors stepped up their harassment game and in 2020 security cameras on my property picked up a person standing on the neighbors property flying a drone over my property. In 2020 I went into the county attorneys office frustrated that the neighbors were not being charged with false reporting, and disgusted with the police harassment. I had been told, potentially falsely, that the Park County Sheriffs Department had presented charges against the neighbors to the county attorney for making false reports. That "meeting" quickly descended into a place where I was being gaslit by the county attorney. The City of Livingston police department was called. After speaking with them I left without detention, or being cited. Approximately 6-8 weeks later I was arrested at an exchange with my child because I had failed to show up in court for the charges against me from that incident. They included Assault, Disturbing the Peace, Child Endangerment, and one other charge I cannot remember. This happened despite the fact that the Livingston Police department never cited me for any of this, I was never served with papers, I had no idea there was a court date, I was never notified. This is another example of the law enforcement acting more like terrorists than law enforcement. They waited for me at an exchange with my kid, intentionally doing this in front of my child. Doing everything they can to humiliate me and defame me to my child. Much like the erroneous federal charges, the city of Livingston skipped the constitution, procedural rules, and falsely imprisoned me. After bonding out I went into court and plead

not guilty. I have not heard one more thing about these charges. There was no trial, no plea, no deposition that I am aware of. At this point my constitutional right to a fair and speedy trial has long passed as has the statute of limitations for most of these false charges. I still have no word on what ever happened with these charges. It should be noted that the attorney for the city of Livingston, Courtney Lawellin, has now been disbarred for her illegal and unconstitutional behaviors towards others. (The Supreme Court of MT PR 22-0418) This arrest is just another example of malicious prosecution. See the facts are that when I went to talk to the county attorney about the vast injustice, criminal activity and unconstitutional behaviors directed at me I stood there with my hands behind my back and stated my grievances, already knowing what they were going to accuse me of. Isn't the first amendment set up so that we can use our words to challenge these types of illegal and unconstitutional behaviors to our government? It is! The fact that I was prosecuted, maligned, arrested, and defamed for using my words to try to affectively address the ongoing injustices I faced with the elected official who has the ability to do something about it demonstrates how far the justice system in Park County Montana has descended into tyrannical unconstitutional behaviors. Instead of going after the people using law enforcement to harass me, instead of dealing with the criminal behavior directed at me, They piled on more injustice.

The next thing I began to hear about is that I had threatened to kill a judge... THIS DID NOT HAPPEN! This is another lie intended to defame me and present me as something I am not. Another example of how my character has been defamed by players in the justice system. This lie is something that I had to face when I faced the false federal gun charges. I believe that it was this specific lie that ultimately lead to the challenges of me being released from jail. During my pretrial release hearing in September 2022 I listened to Federal Prosecutor Thomas Godfrey, repeat these lies, this defamation of my character that never happened, as a reason to keep me indefinitely detained. If this had happened the way Thomas Godfrey had characterized it there is zero chance I would not have been charged with that crime long ago. The made up story of how he "was told" charges against me "would only make the situation worse" falls flat as I was facing 10 years for a crime I didn't commit. The fact is it was a lie that has zero evidence to back it up. One could wonder how the constitution of the United States demands that reasonable bail be set and that a presumption of innocence be maintained and yet I was a guy, never convicted of a crime, sat in jail for three weeks for a crime that was dismissed. I think this is a bullying tactic that Federal prosecutors use to get convictions and another example of where "the law" and The Constitution do not square with each other. On March 1 2023 the Federal charge against me was dismissed by Federal Judge Waters. Once again I was the victim of criminal behavior directed at me. I am the victim of a malicious prosecution. I am so disgusted and embarrassed! My real record is I don't have as much as a speeding ticket in 30 years but I have been presented as some sort of criminal. I have a degree in Criminal Justice and my disability is the thing preventing me from being in law enforcement. This incident had a profound effect on me. I was so embarrassed I had to take a leave of absence from work. Not only, as a single dad did I miss out on the income I lost while in jail, my income suffered afterwards because in this small community I had been humiliated by the Federal Government. This exacerbated the PTSD that is a part of my service connected disability. This was just the beginning. I was required, randomly to submit to drug and alcohol testing. To do this I had to call a number and if my "color" was called I had to go. This was at serious expense to myself. This testing lasted from September until March, 5 times a month and it cost me \$50 in fuel for every trip. I also had to pay a \$100 a month deductible for this testing. This interfered with everything in my life. I had to miss my kids wrestling tournaments because I had a piss test. Christmas Eve, Christmas Day and New Year's eve I am there with my kid taking a piss test. Further the judge who released me stated that I was not allowed to use the

medical cannabis that I have relied on to manage pain and PTSD due to service connected injuries I got while honorably serving this government in the Army. The calloused indifference he expressed as he told me to go back to the very prescription medications that harmed my mental and physical health before I discovered that cannabis was something that did not have the devastating and debilitating side effects that the prescription medications have on me. I don't even like me on some of those prescription drugs. From August 23 2022- March 1st 2023 I was denied the very medications that assist me in pain and PTSD management. I SUFFERED!!!! Agonizing days of pain., and the anxiety! I feel luckily I lived thru this experience. Through all of this not one positive test. It speaks to my character and who I am... I am a law abiding citizen. This is just another overreach by the federal government. In no way should a politician, judge, or law enforcement have any say over what a free human puts in their body, it's a violation of our 4th Amendment rights that protect us from the government. I also obtained a medical condition while in jail that I am still dealing with.

Backing up... In 2018 I met a lady, Melissa. She has used the following last names: Weighman, Robbins, Smilesalot, Stone, and Bear. What I know now is that Melissa is a grifter. I stupidly married Melissa in 2019. Over the course of our short relationship I began to see that things I was being told were not lining up with reality. Melissa was becoming violent in my home with my child first then me. I also observed her being violent towards her children. In April 2021 I took an extended trip away so that I could be safe from her while I devised an exit strategy. From April - Mid July 2021 my son and I spent most of our time living in my camper. On the day in mid July 2021 when our relationship thankfully and finally ended, I presented the Park County Sheriffs department with video and written evidence of Melissas violent behavior including kidnapping my child. I reported the kidnapping to 911. The Park County Sheriff, Brad Bichler, told me that the reason Melissa was not charged with kidnapping was because of the personal intervention of Burt Hurwitz Meagher County Montana, County attorney, who as we will learn later is the acting Park County Attorney with everything to do with me. More on Mr. Hurwitz later. Further, Melissa falsely reported that I had assaulted her, sexually assaulted her, abused our children, and recycled the allegation that I had threatened a judge. Not only was this not true it amounts to perjury when she signed the order of protection she filed against me. I presented the Sheriffs department with videos, photos, and text messages that not only refuted these claims but demonstrated that she was the abuser and she had lied. Melissa made the allegation that I had threatened her in the request for the order of protection this combined with the order Judge Gilbert had extended for Lindsey that I allege violated my rights under the color of the law led Judge Gilbert to issue a search warrant for my home ultimately which lead to the Federal charges against me in 2022. Judge Gilbert violated my 4th amendment rights ordered the search and seizure of my home that lead to the aforementioned Federal charges that have been dismissed. During the hearing for the order of protection Judge Gilbert refused to look at the video evidence, photographic evidence, text message evidence, or even Melissas own testimony in her own court approximately three months previous. Melissa obtained her order of protection in August 2021 and voluntarily receded in October 2021. The day after she receded it, Melissa, violated the civil no contact order we had negotiated and I was granted an order of protection December 9th 2021. During this hearing Judge Gilbert screamed at me in court denying that she had signed the order dismissing the order of protection from Melissa in spite of the fact that I had it in my hand. In all of the times I have felt the bigotry from Judge Gilbert it was this interaction. She has long ago left impartiality and the law behind her. From the fall of 2021 - the Summer of 2023 Rhenton Stoddard conducted an investigation into Melissa. In October 2023 during an order of protection hearing, where I have applied for another order of protection against Melissa (my first one against her

expired in December 2022 and she still won't leave me alone) Detective Stoddard testified that he has gone thru thousands of pages of testimony, hundreds of pieces of evidence and he testified that Melissa had committed perjury. He testified that Melissa had falsely reported to the police. He stated there were inconsistencies in her statement. He pointed out that after he investigated the allegations against me for assault and sexual assault that no charges were filed. What is consistent here is that once again I faced a false accusation from a woman and Judge Gilbert bought it hook line and sinker and my constitutional rights were denied. She refused to even look at impartial evidence. My fate was sealed before that hearing took place. My property was seized, I was put in jail for three weeks, I was defamed, I was the victim of a criminal and felt the full weight of the Federal Government on my neck while I faced multiple injustices. To date, 8 months after this has ended the ATF is still refusing to return my firearms to me. The Park County Sheriff keeps lying to me about his efforts to have them returned to me. There has been no adequate explanation for the firearms that I owned that were not on the list of seized items, including an M4 style AR-15 and a Glock model 17 9mm that has extreme sentimental value to me. My guess is either Melissa, the Park County Sheriffs Department or the ATF helped themselves to those. Also missing after the raid are 10 oz of gold bars and 40 oz of silver coins the value of those precious metals today is about \$22,000. I have reported this to the Sheriffs department who stated that they have investigated and have turned it over to the ATF. As of yet, I know, because of the court testimony in the aforementioned October 2023 order of protection hearing, there has been no interview or search of Melissa by the ATF or Hopkin regarding these missing firearms or precious metals. My efforts to obtain any investigation thru FOIA request have come up empty. They have just blown this off.

In September 2021 I was packing up the personal property of Melissa that was left at my house. While doing this I stumbled upon piles of prescription pills that were written to people other than Melissa. Melissa is a Vet Tech and has access to prescription pills. Many of these were labeled with a directive from the DEA that stated it was a federal crime to be in possession of these drugs if you were not the prescribed person. I called the Park County Sheriffs department. It took multiple calls and finally a call to the Sheriff himself to initiate any investigation. Deputy Jackson was finally set to my house to collect what I had found. I told him that I didn't want to go any further in moving Melissas stuff without the Sheriffs department conducting a search warrant. The Sheriffs department declined. Photos taken by the Sheriff's department and myself show that Melissa had rooms in this house stuffed floor to ceiling with junk. The further I dug the more drugs I found. I would call and a few days later they would arrange to pick up the drugs. I finally demanded that they send a detective over to conduct a search and they sent Detective Brian Greene and Captain Tad Dykstra. More drugs were found. This time in the room Melissas daughter was staying in. Seemingly this investigation was then turned over to Park County Deputy Jason Hopkin a member of the Missouri River Drug Taskforce. Hopkin totally punted on the investigation. He found someone at the vet hospital Melissa worked at that told him "she was allowed to have the drugs" and the case was dropped. I am sorry but according to those labels someone violated Federal drug laws, be it Melissa or the clinic itself or both but this was not pursued. Instead, it was Hopkin along with the ATF who pursued the Federal charges against me that were dropped. One has to wonder if the drug case had been handled like my gun case where Melissa would be today... It was only after I was released from jail in Sept 2022 that I called the Sheriff, Brad Bichler, and he admitted to me that the investigation had been botched. He admitted to me that it should have been turned over to the DEA and he told me he would make sure that happened. If it did or it didn't who knows.... But my guess is that so much time had passed the DEA looked at it as a stale investigation and didn't do anything with

it. This incident just once again highlights the unequal application and protection of the law I have experienced here in Park County. It stinks of bias and an attempt to try to get me because I have spoken truth to power. I have stood up for myself and used my constitutional rights as a warm blanket to protect me from them. They are out to get me, a law abiding citizen.

Acting Park County attorney Burt Hurwitz has best been described by Park County Sheriff Brad Bichler to me as being in complete dereliction of his duty. In approximately 2019 he was brought in from another county in MT to help assist with mess that had been made with these restraining orders. As Brad Bichler describes it to me Park County has spent more money investigating me and coming up with nothing than any other person in the county. He has reported to me that contacted my last neighbors in Colorado, who love me and still send me Christmas cards. Park County had a problem on its hands with me because of the restraining order Linda Cantin was in the Sheriffs words "total bullshit." I was asked to work with Burt to resolve some of the ongoing issues. Burt promptly threw gas on the fire. There were no resolutions on either side just more problems, more contact with the sheriffs department, more harassment, Burt was aware and admitted to me that the order of protection issued by Cantin was unconstitutional. He told me that the order of protection with Lindsey was over. He introduced me to the Judge in Meagher County MT who was supposed to be handling all of these things. So as he was overseeing the search and seizure of the firearms from my home he did so knowing full well that there was no active restraining orders in place. If there was a valid order, I would have been violating State law and yet I was never charged by Burt. He knew and he stood by and oversaw the violation of my rights under the color of the law. Sheriff Brad Bichler told me that Burt was the one who pushed to have this case sent to the ATF, if that is true he did so knowing full well that he was violating my constitutional rights. Further his failure to prosecute the neighbors for the unmitigated false reporting to police demands examination. Him interfering with the arrest of Melissa for kidnapping my son also demands further examination. Sheriff Brad Bichler told me that it was Burt that pushed this investigation to the ATF and the DOJ. It stands to reason that is true. One has to wonder, if I was really in violation of an order of protection, if I was really a prohibited possessor in the State of Montana, why the State of Montana, Burt Hurwitz, didn't charge me like the Federal government did. It is my firmly held belief that the reason I was not charged in Montana for violating an order of protection from the State of Montana in the same way I was charged Federally is that Burt knew it was a loser. He knew there were significant issues here. He knew there was no active order of protection, He knew perjury had been involved, by Melissa to obtain the search warrant. It is my belief that this was pushed to the Federal by him level because they thought I would crack under that pressure, that I have previously outlined and take a plea. It is my firmly held belief that information was deliberately kept from the investigators minimally by Hurwitz. This is what has been communicated to me by the Park County Sheriff Brad Bichler.

This injustice has had a profound impact on my life, my son, his well being, my well being, my financial status. It has consumed years of my life. I have followed the online procedures and even gone to Helena to see if I can get a meeting with the Governor and the Attorney General regarding this and its crickets. They very publicly meet with others over very trivial issues but refuse to even have a conversation with me about how someone who has been a law abiding citizen their entire life can be prevented from owning and purchasing a firearm in Montana. They both claim to be constitutionalists a dog whistle for the 2nd amendment. I would also like to point out that our governor has more of a criminal record than I do and he is not disallowed from owning a firearm. As a matter of fact some might say he has used a

firearm to poach a wolf while being governor but I digress. On the eve of his election to the Governors mansion he assaulted a Fox News reporter. His rights to a firearm were never in jeopardy. Yet here I am never assaulted or even committed a crime, not as much as a speeding ticket and I am prevented from owning or buying a firearm. I am being treated like a Felon without ever committing a crime. I guess I am a few million dollars short of being able to buy justice like our governor. And if this isn't the very definition of unequal protection and application of the law ever! If this isn't the most blinding and glaring example of a dual justice system I don't know what is.

During my detention in the Yellowstone County Detention facility I was being transported to the Federal Courthouse by Park County Sheriffs Deputy Jason Hopkin and ATF agent Kirby Fanus. While in that hearing I had to listen to Mr Fanus describe all of the training he had gone through to become an agent with the ATF. Interestingly enough I have gone thru some of the same training. You see before I became disabled it was my goal to work for the DEA. I have a degree in criminal justice and I have gone thru some of the same training that Mr. Fanus has. While I was being transported Deputy Hopkin drove, I sat in the front passengers seat and Mr. Fanus sat behind me. Before we left the detention facility, Mr Fanus stated that if I moved in a manner he didn't like he was "going to shoot me in the back of the head with a Taser." Before going any further, I knew my detention was a malicious prosecution, I was fully confident that I would escape any repercussions from the Federal charge and yet I was 100% compliant with every officer I encountered. Not only was I compliant but I informed on other inmates who were distributing Fentanyl in the facility. What I know to be true from my training is that you never shoot someone in the back of a head with a Taser. You just threaten to shoot someone in the back of the head with a Taser. This is the definition of police brutality. A complete overstep of the responsibility of being a law enforcement officer. What Fanus and Hopkin demonstrated that day is neither of them have the professionalism or demeanor to continue in law enforcement. They are the problem that we see all over the country with law enforcement stepping outside of the guardrails that we as a society place on them with the trust we give them to enforce the law and not abuse people. To me, aside from the malicious Federal Prosecution, these two out of control "law enforcement officers" need to be reigned in before they create another incident like we see on the news all the time. Hoping is a particular disappointment. I have known him for years and been nothing but cooperative with him. I had a rapport with him He has played on our mutual status as veterans and manipulated me. He knew full well that I would be 100% cooperative because of our history. When Fanus overstepped his bounds and participated in police brutality by treating to shoot me in the back of the head with a Taser Hopkin had a responsibility to stop that or much like the "felony murder rule." Hopkin is equally responsible for this brutality and not reporting it. What I saw with Hopkin was a nervous little child who knew what he was doing was wrong and participated anyway. He was so nervous he didn't know what to do with his gun, his hands were shaking when I was brought into the courthouse. It was reminiscent of grade school when the kid who is a little weird and awkward tries to play with the "popular" kid. Neither of these officers deserve to be in law enforcement, they lack the demeanor and professionalism required to do the job. I am going to add that when I was turned over to the Marshalls I was treated with respect and dignity. I appreciated that. Sheriff Brad Bichler has been made aware of the incident in transport while I and he has failed to act, failed to investigate, and Hopkin is still out on the streets. This makes him also liable for the actions of Hopkin.

All of these players have worked together to create a vast injustice of criminal behaviors directed at me. My First, Second, Fourth, amendment rights. They have all participated in the Malicious prosecution of

me and violations of my 14th amendment. They have all in different ways contributed to the denial of my rights under the color of the law as designed in 18 USC 242. Fanus and Hopkin have participated in police violation of the police misconduct section of 18 U.S.C 242. *Screws v. United States*, 325 U.S. 91, 98 established that law enforcement can not abuse their powers without facing legal consequences and it established a right of individuals who have been subject to police misconduct have the right to hold the responsible officers accountable. I argue that this ruling extends to Judges and County attorneys who have participated in the deliberate violation of my civil rights under the color of the Law.

I am seeking the following relief:

I want Judge Gilbert and Judge Cantin removed from their positions and prevented from participating in anything to do with the law for the remainder of their lives.

In light of the deprivation of my constitutional rights under to color of the law by Gilbert and Cantin I am seeking \$5 million in damages from each of those individuals

I am asking that Hopkin and Fanus be disallowed from being in law enforcement for the remainder of their lives due to their misconduct in my case.

I am asking that the court award me \$1 million in damages from each Fanus and Hopkin

Due to Burt Hurwitz participation in this denial of my constitutional rights under to color of the law and his denial of my rights to equal application of the law, his intervention in the kidnapping charges against Melissa and his participation in the Federal malicious prosecution I am seeking \$5 in damages from Burt

The Sheriff, Brad Bichler, is the chief law enforcement officer in the county. Because of his oversight of this denial of my constitutional rights and his direct supervision of Deputy Hopkin his oversight of the years of harassment I have endured by the Sheriffs Department he is directly copiable in this denial of my constitutional rights under the color of the law I am seeking \$5 million in damages from Sheriff Brad Bichler and the removal of him from the Sheriffs department as he has demonstrated that he lack the demeanor to be a law enforcement officer let alone in charge.

I am seeking \$1 million in damages from the city of Livingston for the malicious prosecution

I am seeking \$5 million in damages from the State of Montana for suborning this denial of my rights under the color of the law, overseeing these malicious prosecutions, and failing to hold these bad actors responsible.

I am seeking the immediate return of all of my firearms from the ATF including the missing 9 mm and AR-15.

I want all of these restraining orders and my false arrest in Livingston and by the Federal Government expunged from my record.



Lastly I would like to thank the court for accepting my "inartfully crafted pleading." I am a simple man and these things are very difficult for me to articulate. I deal with intense PTSD triggers even getting in front of a computer to write these things. This is what I know to be true. My constitutional rights have been violated and I am seeking relief from that.